

# State of Wisconsin



2005 Assembly Bill 277

Date of enactment: **August 12, 2005**

Date of publication\*: **August 26, 2005**

## 2005 WISCONSIN ACT 28

AN ACT to amend 285.60 (1) (a) 1., 285.60 (3) (a), 285.66 (2) (b) (intro.), 285.66 (2) (b) 1., 285.66 (2) (b) 2., 285.66 (2) (b) 3. and 285.81 (1m) (b) of the statutes; relating to: general air pollution control permits, the term of registration air pollution control permits, the effect of a challenge to an emission limitation in an air pollution operation permit, and a report on regulatory barriers affecting manufacturing.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 285.60 (1) (a) 1. of the statutes is amended to read:

285.60 (1) (a) *Construction permit.* 1. Except as provided in sub. (2g), (3), (5m), or (6), no person may commence construction, reconstruction, replacement, or modification of a stationary source unless the person has a construction permit from the department.

**SECTION 2.** 285.60 (3) (a) of the statutes is amended to read:

285.60 (3) (a) *Rules.* The department shall promulgate rules for the issuance of general permits authorizing construction or operation or both for similar stationary sources. In the rules, the department shall specify criteria for identifying categories of sources for which the department may issue general permits and general requirements applicable to sources that qualify for general permits. In the rules, the department may exempt persons who qualify for a general permit from the requirement to obtain a construction permit.

**SECTION 3.** 285.66 (2) (b) (intro.) of the statutes is amended to read:

285.66 (2) (b) (intro.) Notwithstanding par. (a), the department may not specify that coverage under a regis-

tration permit under s. 285.60 (2g) or coverage under a general permit under s. 285.60 (3) expires except as follows:

**SECTION 4.** 285.66 (2) (b) 1. of the statutes is amended to read:

285.66 (2) (b) 1. The department may specify an expiration date for coverage under a registration permit or for coverage under a general permit at the request of an owner or operator.

**SECTION 4m.** 285.66 (2) (b) 2. of the statutes is amended to read:

285.66 (2) (b) 2. The department may specify a term of 5 years or longer for coverage under a registration permit or for coverage under a general permit if the department finds that expiring coverage would significantly improve the likelihood of continuing compliance with applicable requirements compared to coverage that does not expire.

**SECTION 5.** 285.66 (2) (b) 3. of the statutes is amended to read:

285.66 (2) (b) 3. The department may specify a term of 5 years or less for coverage under a registration permit or for coverage under a general permit if required by the federal clean air act.

**SECTION 6.** 285.81 (1m) (b) of the statutes is amended to read:

\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

285.81 (1m) (b) An emission limitation contained in a construction permit becomes effective despite a challenge under par. (a), unless the permit holder or applicant challenging the emission limitation obtains a stay of the emission limitation from the hearing examiner or court considering the challenge.

**SECTION 7. Nonstatutory provisions.**

(1) REPORT ON REGULATORY BARRIERS. The department of administration, in consultation with representatives of industry and others, shall prepare a report that identifies major regulatory barriers to the growth of this state's manufacturing sector. The department shall examine state rules in areas that include employment, the environment, financial services, utilities, and transportation and shall report on unnecessary barriers to growth

and on consistency with the requirements of federal law and the laws of surrounding states. The department shall submit the report under this subsection to the joint committee for review of administrative rules no later the first day of the 13th month beginning after the effective date of this subsection.

**SECTION 8. Initial applicability.**

(1) The treatment of section 285.81 (1m) (b) of the statutes first applies to challenges to operation permits that were issued on the effective date of this subsection.

**SECTION 9. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 285.81 (1m) (b) of the statutes and SECTION 8 take effect retroactively to February 6, 2004.

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